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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Arthur Richard Powers, Jr.
Serial No.: 10/708,100
Filed: 02/09/04
For: **INTEGRATED SPEAKER DEVICE**
Examiner: LE, Huyen D.
Art Unit: 2615
Docket No.: P-0301 ARP (DESIG.P.0301 ARP)

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

December 20, 2006

REQUEST FOR COMPLETE OFFICE ACTION

Sir:

Applicant acknowledges the Office Action dated September 20, 2006. However, the Office Action is incomplete insofar as it fails to respond to applicant's arguments against the restriction requirement. Applicant therefore respectfully requests that the Office Action be corrected or supplemented to include a response to applicant's arguments against the restriction requirement.

In the first Office Action dated June 7, 2006, a eight-way restriction requirement was set forth. In his response filed on June 29, 2006, Applicant made several arguments traversing the restriction requirement. Specifically, applicant argued that: 1) the only reasoning provided for the restriction requirement was for Groups I, VII and VIII (see page 3, paragraph 2 of the Office Action), and the paucity of reasoning supporting the restriction of the other groups meant that the restriction was insufficient on its face (see page 2, third paragraph of Applicant's Response); 2) the computer control means addressed in the restriction requirement was not recited in the claims of Groups I, II, V and VII-VIII (see page 2, fourth paragraph); and 3) the independent claims are linked by common claimed features easily group searched and other additional features in the claims may be commonly searched (see paragraphs bridging pages 2-3).

The current Office Action does not respond to Applicant's arguments. Instead, it merely says they are not persuasive and refers back to the first Office Action (see part 7 on page 5). This is not appropriate. The Examiner must also address the arguments and provide an explanation as to non-persuasiveness. See MPEP 707.07(f).

The reference back to the first Office Action is especially inappropriate given that one of Applicant's arguments was that the restriction requirement was insufficient on its face. It is apparent that the current Office Action does not allow Applicant to judge the Examiner's reasons for insisting on the restriction requirement, and to then proceed as he sees fit in light thereof, such as by providing linking claims or petitioning against the restriction requirement. The Examiner's responses to Applicant's arguments should be provided before Applicant is compelled to file a Response to the Office Action.

Applicant therefore requests that the current Office Action be corrected or supplemented to include responses to Applicant's arguments against the restriction requirement. Pursuant to MPEP 710.06, Applicant requests that the response period be reset to be at least one month from the mailing date of the corrected or supplemental Office Action.

Applicant does believe that any fee is due with this communication. However, the Communication is hereby authorized to charge any addition fee(s) or credit any overpayments that may be necessary with this communication to Deposit Account No. 10-0100.

Respectfully Submitted

December 20, 2006

Date


Robert M. Bauer, Esq., Reg. No. 34,487

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Services as first-class mail in an appropriately marked envelope addressed to: Commissioner of Patents, P.O. Box 1450, Arlington, VA 22309, on the date indicated below:

Robert M. Bauer, Reg. No. 34,487
Attorney's Name

Signature

December 20, 2006
Date